

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Chapter 11
)	
LINDRAN PROPERTIES, LLC (SHORELINE))	Case No. 20-02834
)	
Debtor.)	Hon. Jack B. Schmetterer
)	
)	

**NOTICE OF MOTION TO MODIFY ENTERED BID PROCEDURES TO ALLOW
AUCTION VIA VIDEO CONFERENCE**

PLEASE TAKE NOTICE that on May 26, 2020 at 10:00 a.m. (prevailing Central Time) or as soon thereafter as counsel may be heard, we shall appear before the Honorable Jack B. Schmetterer in Courtroom 682 in the United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, or before any other judge who may be sitting in his place and stead, and present the *Motion to Modify Entered Bid Procedures to Allow Auction Via Video Conference* (the "Motion"), at which time and place you may appear if you so desire.

PLEASE TAKE FURTHER NOTICE that, pursuant to General Order No. 20-03, any party that objects to the relief sought in the Motion must file a Notice of Objection no later than two (2) business days before the date of presentment. Please be advised that if a Notice of Objection is not timely filed, the Court may grant the Motion without a hearing before the date of presentment.

Dated: May 19, 2020

Respectfully submitted,

**LINDRAN PROPERTIES, LLC
(SHORELINE)**

By: /s/ Kevin H. Morse

One of Its Attorneys

Scott N. Schreiber (#06191042)
Kevin H. Morse (#06297244)
CLARK HILL PLC
130 East Randolph Street | Suite 3900
Chicago, Illinois 60601
T: (312) 985-5595
F: (312) 985-5984
sschreiber@clarkhill.com
kmorse@clarkhill.com

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**MOTION TO MODIFY ENTERED BID PROCEDURES TO
ALLOW AUCTION VIA VIDEO CONFERENCE**

Lindran Properties, LLC (Shoreline), debtor and debtor in possession (the “Debtor”), by and through its undersigned counsel, hereby submits this motion (the “Motion”) to modify the entered bid procedures to allow auction via video conference. In support of the Motion, the Debtor respectfully states as follows:

Jurisdiction

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b).
2. Venue is proper in this Court pursuant to 28 U.S.C. § 1408.
3. The statutory basis for the relief requested herein is section 105(a) of title 11 of the United States Code §§ 101–1532 (the “Bankruptcy Code”) and the entered Bid Procedures Order (as defined below).

Preliminary Statement

4. On January 31, 2020 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code. Pursuant to sections 1107(a) and 1108 of the Bankruptcy Code, the Debtor continues to manage its financial affairs as a debtor-in-possession. No trustee, examiner or committee has been appointed in this Chapter 11 Case.

5. The Debtor's assets consist primarily of 13 separate buildings containing an aggregate of 262 affordable housing rental properties located in the South Side of Chicago ("Property").

6. On March 24, 2020, the Court entered the *Order (A) Approving Bid Procedures and Bid Protections; (B) Approving Notice of Sale; (C) Scheduling a Sale Hearing and, if Necessary, an Auction; and (D) Granting Related Relief* [ECF No. 107] (the "Sale Procedures Order") [Docket No. 107]. The Sale Procedures Order set June 1, 2020, as the deadline for all bids for the purchase of the Property, and June 4, 2020 for an auction.

7. More specifically, Paragraph "d" of the Bid Procedures provided:

The Auction. If one or more Qualified Bids are submitted, in addition to the Stalking Horse Bid, the Debtor will conduct an auction (the "Auction") on **June 4, 2020 at 10:00 a.m., at Clark Hill PLC, 130 E. Randolph Street, Suite 3900, Chicago, Illinois 60601** to determine the highest and best offer with respect to the Property. (italics added)

8. Paragraph "l" of the Bid Procedures provided:

Reservation of Rights. . . . Debtor also reserves its right, on Notice of Motion and Motion, to modify these bid procedures, in any manner that will best promote the goals of the bidding process, or impose, at or prior to the Auction, additional customary terms and conditions on the sale of the Property, including, without limitation: (a) extending the deadlines set forth in these Bid Procedures; (b) adjourning the Auction at the Auction and/or adjourning the Sale Hearing in open court without further notice; (c) adding procedural rules that are reasonably necessary or advisable under the circumstances for conducting the Auction, including by requesting that Qualified Bidders submit last or final bids on a "blind" basis; (d) canceling the Auction; (e) rejecting any or all Bids or Qualified Bids (other than the Stalking Horse Bid); and (f) increasing the Minimum Overbid Increment. (emphasis added)

9. Since the entry of the Bid Procedures Order, the declared state of emergency in response to the spread of COVID-19 has continued and the Centers for Disease Control and Prevention have continued to urge reduced contact among people to slow the spread of the disease.

Relief Requested

10. The Debtor hereby requests that the Court enter an order modifying Paragraph “d” of the Bid Procedures so that the Auction (as defined in the Bid Procedures), if necessary, can be conducted via video conference.

Basis for Relief

11. The Court should grant the relief requested in the Motion as it is the most efficient and safest way to ensure the transition of the Property to a successful purchaser. Despite the on-going required “social distancing,” the Debtor has made significant progress in the marketing of the Property. Since entry of the Sale Procedures Order, the Debtor has granted access to the data room for due diligence purposes to fifteen (15) potentially interested purchasers and, to date, at least two (2) of these parties have conducted site visits of the Property. The Debtor expects to receive competing bids for the Property by the June 1, 2020 bid deadline, with the expectation that an auction will be held on June 4, 2020.

12. In light of the continued state of emergency and reduced contact, including limited third-party access to the respective law firms, an auction held via video conference allows the Debtor to balance the importance of safety for the respective parties and continued interest in the Property. Given the national familiarity with video conference, the Debtor expects that all Qualified Bidders will be able to participate without any interference and in a manner consistent with the Bid Procedures. The relief requested in the Motion has been supported by the bond trustee, City of Chicago, U.S. Trustee, stalking horse bidder, and counsel for the receiver.

WHEREFORE, for the reasons set forth herein, the Debtor requests that the Court enter an order: (a) modifying the sale procedures to allow the auction to be conducted via video conference; and (b) such other and further relief as the Court deems appropriate under the circumstances.

Dated: May 19, 2020

Respectfully submitted,
LINDRAN PROPERTIES, LLC
(SHORELINE)

By: /s/ Kevin H. Morse.
One of Its Attorneys

Scott N. Schreiber (ARDC No. 6191042)
Kevin H. Morse (ARDC No. 6297244)
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130 East Randolph Street | Suite 3900
Chicago, Illinois 60601
T: (312) 985-5595 | F: (312) 985-5984
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kmorse@clarkhill.com